

REMARKS

The Applicant does not believe that entry of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the foregoing amendment be entered and the claims to the present invention be, kindly, reconsidered

The Advisory Action mailed April 28, 2004 has been received and considered by the Applicants. The Advisory Action mailed April 28, 2004 sustained the rejection of Claims 1-20 made by the March 3, 2004 Final Office Action. In response to the Advisory Action, the Applicant, hereby, submits a Request for Continued Examination that is filed concurrently with this Preliminary Amendment.

The Final Office Action rejected Claims 1, 3, 5-6, 12, 14 and 16-17 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,986,638 issued to Cheng (hereinafter referred to as Cheng) taken with U.S. Patent No. 5,940, 076 issued to Sommers et al. (hereinafter referred to as Sommers et al.). The Examiner's position is that Cheng teaches a method and apparatus for synchronously selecting icons in a flywheel controlled color computer (col. 1, lines 40-49 and Fig. 2). The Examiner's position states that Cheng does not teach that the loop is moveable with respect to the selector. The Examiner asserts that Sommers et al. teach a loop and selector device that are moveable relative to each other at col. 4, lines 36-46. The Applicant would like to, respectfully, point out Sommers et al. at col. 4, lines 36-46 teaches a loop the is moveable with respect to the selector.

The Applicant respectfully asserts that neither cited reference, Sommers et al. or Cheng, teach the movement around the loop configuration of the control device that causes a corresponding relative movement between the selector and the loop of the menu. In order to clearly distinguish the present invention from the combination of Sommers et al. or Cheng, the claims have been amended to recite that the movement around the loop configuration of the control device causes a corresponding relative angular movement that is substantially equal between the selector and the loop of the menu. The Applicant asserts that the claims as amendment define subject matter that is clearly allowable over the combination of Sommers et al. or Cheng.

The Final Office Action rejected Claims 2, 7-8, 13 and 18 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Cheng taken with Sommers et al., as applied to Claim 1, and further in view of U.S. Patent No. 5,667,319 issued to Satloff (hereinafter referred to as Satloff). The Examiner states that Satloff teaches an image control system wherein the input device comprises at least one force sensing resistor or a joystick at col. 7, lines 29-36. The Applicant, respectfully, submits that above discussed amendment obviates this rejection also.

The Final Office Action rejected Claim 4, 15 and 20 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Cheng taken with Sommers et al., as applied to Claim 1, and further in view of U.S. Patent No. 4,736,191 issued to Matzke, et al. (hereinafter referred to as Matzke et al.). The Applicant, respectfully, submits that above discussed amendment obviates this rejection also.

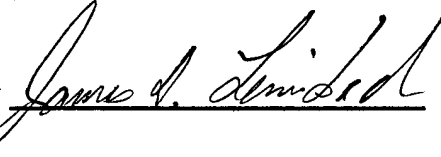
The Final Office Action rejected Claim 9 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Cheng taken with Sommers et al., as applied to Claim 1, and further in view of U.S. Patent No. 6,501,516 issued to Clapper (hereinafter referred to as Clapper). The Applicant, respectfully, submits that above discussed amendment obviates this rejection also.

The Final Office Action rejects Claims 11 and 19 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Cheng taken with Sommers et al., as applied to Claim 1, and further in view of U.S. Patent No. 6,405,061 issued to Bae (hereinafter referred to as Bae). The Applicant, respectfully, submits that above discussed amendment obviates this rejection also.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

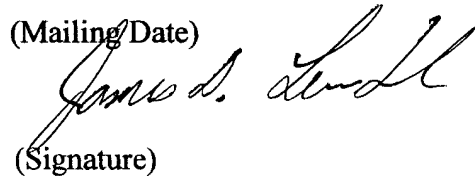
**James D. Leimbach, Reg. 34,374
Patent Attorney (585) 381-9983**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: RCE, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: September 3, 2004

(Mailing Date)



(Signature)